

REMARKS/ARGUMENTS

Claims 1-9 are present in this application. By this Amendment, claims 1, 7 and 8 have been amended, and claim 9 has been added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

At the outset, Applicant extends his appreciation to Examiners Shih and Kazimi for their courtesy in conducting the personal interview with the Applicant and the Applicant's representatives on August 11, 2003. During the interview, the Applicant's representative discussed the invention and the cited Yacobi patent and pointed out distinctions between the claimed invention and the Yacobi disclosure. Both Examiners appeared to agree with the noted distinctions. Notwithstanding, the Examiners provided suggestions for amending the claims in light of the Examiners' personal knowledge of not-yet-cited prior art. In light of the distinctions, however, the Applicant's representative requested and the Examiners agreed that any next Office Action from the Patent Office should be made non-final so the Applicant will have a fair opportunity to study and address the not-yet-cited prior art.

Claims 1-8 were rejected under 35 U.S.C. §102(e) over U.S. Patent No. 5,872,844 to Yacobi. This rejection is respectfully traversed.

On page three, the Office Action contends that Yacobi discloses step (c) of claim 1 defining the step of reserving a portion of the consumer funding account according to a transaction parameter, referring to "Fig. 1 and column 25, line 47-52." As discussed during the interview, however, this section in Yacobi in fact is unrelated to any

"reserving" whatsoever. Rather, this section in Yacobi describes spending electronic assets by transferring the assets from one electronic wallet to another. The "transfer" of assets is actually in direct contrast with the step of "reserving" as set forth according to the present invention. Related subject matter is defined in independent claims 7 and 8, which subject matter is similarly lacking in the Yacobi patent. For at least these reasons, Applicant respectfully submits that the rejection is misplaced.

With respect to the dependent claims, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim. In addition, although the Office Action mimics the language of the claims with vague references to Fig. 1 and parts of the claims in Yacobi, as also discussed during the interview, many of these features are not even remotely disclosed in the Yacobi section referred to in the Office Action.

Reconsideration and withdrawal of the rejection are respectfully requested.

As discussed above and during the interview, due to the abundant differences between the claimed invention and the Yacobi patent, Applicant does not believe that amendments to the claims are necessary in order to distinguish them from Yacobi. The amendments herein, however, are proffered in an effort to clarify the invention and advance prosecution of the application in light of suggestions made by the Examiners, referencing potential not-yet-identified prior art. In this context, the Examiners agreed that any next Office Action would be made non-final in order to provide the Applicant with fair opportunity to study and address the not-yet-identified prior art.

UNDERSTEIN

Appl. No. 09/617,065

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Claim 9 has been added.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

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